

## REMARKS

By the present amendment and remarks, Applicant respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

### Summary of the Amendments

By the foregoing amendment, claims 3, 10, 11, 21, 22, 28, and 33 are amended, claims 40-41 are added, and claims 8, 15-20, 23-27, 29-32, and 34-39 are canceled without prejudice, waiver, or disclaimer. Applicants reserve the right to pursue the subject matter of the canceled claims in a continuing application, if Applicants so choose, and Applicant does not intend to dedicate any of the canceled subject matter to the public.

Additionally, claims 1-7, 9-14, 21, 22, 28, 33, 40 and 41 remain pending. Of the pending claims, claims 1, 2, 3, 21, 22, 28, 33, 40 and 41 are independent.

Applicants have amended the claim 3 to further clarify the invention. Further, claims 10-11 are amended to remove the Examiner's objections, and claims 40 and 41 have been added to include alternative embodiments of original claim 3. Support for the amendments to claims can be found in the originally filed specification and claims. Applicants note that support for the amendment of claim 3, can be found for example, at the paragraph beginning on page 81, line 15, and ending on page 82, line 1. Applicants note that support for the amendment of claims 10-11 can be found for example, in original claim 1.

Applicants note that support for the amendment of claim 21-22 can be found for example, in original claims 15, 18, and 20. Applicants note that support for the amendment of claim 28 can be found for example, in original claims 15, 18, and 25. Applicants note that support for the amendment to claim 33, can be found for example, in original claim 15. Additionally, support for new claims 40 and 41 can be found for example, in original claim 3, and in the paragraph beginning at page 81, line 15, and ending on page 82, line 1 of Applicants' specification. Applicant submits that no new matter has been added.

Applicants have also amended portions of the specification to correct typographical errors, and further to include recitations of the originally filed claims. Applicants note that support for the amendments to the specification can be found in the originally filed specification, as well as originally filed claims 1-3. Applicants submit that no new matter has been added.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

#### **Summary of Personal Interview - July 20, 2006**

Applicants thank Examiner Pham for taking the time to participate in a personal interview on July 20, 2006, with Applicants' Representative, Wesley

Nicolas (USPTO Reg. No. 56,129), and Assignee's representative, Mr. Takeshi Nakayama.

During the interview, Applicants discussed the cited document of TSUTSUI and its differences as compared to claims 1 and 2, and TSUTSUI and NAKAYA and their differences as compared to claim 3. Applicants submit that Examiner Pham's characterization of the substance of the interview as noted in the Interview Summary Form is complete, and no further supplementation or clarification is required.

#### **Allowable Subject Matter**

The Office Action noted that claims 21, 22, 28 and 33 would be allowable in placed in independent form, including all the recitations of intervening claims. By the present amendment, Applicants have placed claims 21, 22, 28 and 33 in independent form, and Applicants respectfully request claims 21, 22, 28 and 33 pass to issue.

#### **Claim of Priority**

Applicants thank the Examiner for acknowledging Applicants' claim of priority to Japanese Application Nos. 2002-274534, 2003-194211, and 2003-321368.

Applicants are also submitting on even date herewith a certified English translation of Japanese Application No. 2002-274534, filed September 20, 2002.

**Information Disclosure Statement**

Applicants thank the Examiner for consideration of the Information Disclosure Statements filed February 12, 2004 and November 3, 2004.

**Restriction Requirement**

Applicants thank the Examiner for reconsideration and withdrawal of the Restriction Requirement dated January 19, 2006, in view of remarks submitted by Applicants February 17, 2006.

**Response to Claim Objections**

The Office Action indicates claims 10 and 20 are objected to because of minor informalities. To further advance prosecution of the application, Applicants have amended claims 10 and 11, and have canceled claim 20. Accordingly, Applicants respectfully request withdrawal of the claim objections.

**Response to Claim Rejections****1. Response to Rejection under 35 U.S.C. § 102(b)**

Claims 1-2 and 4-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. App. Pub. 2004/0027059 ("TSUTSUI"). In this ground of rejection, the Office Action asserts that TSUTSUI discloses all the features of the claimed invention, and points to Figs. 1 and 7A, and paragraphs [0034], [0064], [0067], [0072], [0073], and [0079].

Initially, Applicants note that claim 8 has been canceled. Therefore, of the claims rejected under 35 U.S.C. § 102(e), claims 1, 2, 4-7, and 9-13 remain pending, and of these pending claims, only claims 1 and 2 are independent.

Regarding TSUTSUI, and in response to the anticipation rejection, Applicants are submitting herewith a certified English translation of priority document Japanese Application No. 2002-274534, filed September 20, 2002, which discloses, *inter alia*, Applicants' invention as claimed in claims 1 and 2, and which also antedates TSUTSUI in view its earlier filing date. Therefore pursuant to MPEP § 706.02(b), Applicants have perfected their claim of priority under 35 U.S.C. § 119, and therefore respectfully request that the 35 U.S.C. § 102(e) rejections of claims 1-2 and 4-13 be withdrawn.

Accordingly, because TSUTSUI is not 35 U.S.C. § 102(e) prior art against claims 1-2 and 4-13, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1-2 and 4-13.

## **2. Response to Rejections under 35 U.S.C. § 103(a)**

The Office Action contains the following rejections under 35 U.S.C. § 103(a):

- (a) Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over TSUTSUI, further in view of U.S. Pat. No. 5,792,557 ("NAKAYA").
- (b) Claims 14-19, 24-27, 29-30, 32, and 34-39 are rejected under 35

U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,472,817 ("KAWASE"), further in view of TSUTSUI.

- (c) Claims 15-20, 24-25, 29, 32, and 34-39 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2004-0151824 ("IWAMATSU"), further in view of TSUTSUI.
- (d) Claim 31 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the IWAMATSU and TSUTSUI combination as applied to claims 15 and 18 above, and further in view of U.S. Pat. No. 6,798,440 ("YASUDA").

Initially, Applicants have canceled claims 15-20, 23-27, 29-32, and 34-39 (pertaining to rejections (b), (c), and (d)). Therefore, only claims 3 and 14 stand rejected under 35 U.S.C. § 103(a).

Regarding TSUTSUI in rejection (a) (claim 3), and in response to the obviousness rejection, Applicants are submitting herewith a certified English translation of priority document Japanese Application No. 2002-274534, filed September 20, 2002, which discloses, *inter alia*, Applicants' invention as claimed in claim 3 (in addition to newly added claims 40-41), and which also antedates TSUTSUI in view its earlier filing date. Therefore pursuant to MPEP § 706.02(b), Applicants have perfected their claim of priority under 35 U.S.C. § 119, and therefore respectfully request that the 35 U.S.C. § 103(a) rejections of claim 3 be withdrawn.

Regarding TSUTSUI in rejection (c) (claim 14), and in response to the obviousness rejection, Applicants note that claim 14 is dependent from claim 1, wherein Applicants have submitted a certified English translation of foreign priority documents priority documents Japanese Application No. 2002-274534, filed September 20, 2002, which antedates the TSUTSUI document as it applies to claim 1, as noted above. Therefore, since TSUTSUI is no longer prior art against claim 1, the rejection of claim 14, which depends from claim 1 should likewise be withdrawn. Moreover, while it appears TSUTSUI is being used as a secondary document in rejection (c), since Applicants have removed TSUTSUI such that it is no longer prior art against claim 14, it cannot be combined with IWAMATSU to reject claim 14.

Accordingly, because TSUTSUI is not prior art against claim 3 (and 14), Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejections of claims 3 and 14 (claims 15-20, 23-27, 29-32, and 34-39 having been canceled). In addition, Applicants further submit that since newly added claims 40 and 41 are based off of claim 3, they should likewise not be rejected over TSUTSUI, and should pass to issue.


### **CONCLUSION**

In view of the foregoing, it is submitted that none of the cited documents of record, either taken alone or in any proper combination thereof, anticipates or renders obvious the Applicant's invention, as recited in each of claims 1-7, 9-14,

21, 22, 28, 33, 40, and 41. In addition, the applied cited documents of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully Submitted,  
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